

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIM EDWARD ROGERS,

Plaintiff,

v.

DON NOTTOLI, et al.,

Defendants.

No. 2:22-cv-01085 KJM AC


ORDER

Plaintiff, appearing in pro se, filed a complaint on June 24, 2022. ECF No. 1. On August 3, 2022 plaintiff paid the filing fee and a scheduling order was issued that ordered the plaintiff to serve a copy of the scheduling order and complete service of process within 90 days of filing the complaint. ECF No. 4 at 2. Plaintiff was cautioned that failure to complete service within 90 days may result in dismissal pursuant to Fed. R. Civ. P. 40(m). Id. That deadline passed, and no certificate of service was filed. The court issued an order to show cause why the case should not be dismissed for failure to prosecute. ECF No. 5. Plaintiff responded that he has not completed service because he did not receive the summons from the court. ECF No. 6.

Considering plaintiff's pro se status, the undersigned DIRECTS the Clerk of Court to re-serve plaintiff with the summons, which was initially issued and served on August 3, 2022. ECF No. 3; docket notation at 8/3/2022. Plaintiff is reminded that he is responsible for ensuring he can receive court mail at the address provided to the court, and for timely checking for court mail.

1 It is hereby ORDERED that plaintiff shall complete service in accordance with Federal
2 Rule of Procedure 4 and file proof of service with the court within 45 days of this order. Local
3 Rule 110 provides that failure to comply with court orders or the Local Rules “may be grounds
4 for imposition of any and all sanctions authorized by statute or Rule or within the inherent power
5 of the Court.” If plaintiff fails to comply with this order the undersigned will recommend
6 dismissal of this case for failure to prosecute.

7 DATED: December 14, 2022

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9 ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE
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